

August 17, 2004 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0310

Fox Creek Development, Inc.

Matoaca Magisterial District
South line of Woolridge Road

REQUEST: Conditional Use to permit model homes in a Residential (R-12) District.

PROPOSED LAND USE:

Model homes (sales offices) not located within permanent dwellings are planned. Specifically, the applicant proposes to locate the model homes (sales offices) within four (4) modular office units until such time as construction of permanent dwellings to be used as model homes are complete. The model homes (sales offices) would then be temporarily located within the permanent dwellings, consistent with Ordinance requirements, until the project is complete.

RECOMMENDATION

Recommend approval for the following reasons:

- A. Approval of the modular office units would be appropriate since use of the structures is temporary.
- B. The recommended conditions are similar to Ordinance standards for model homes and further ensure the residential character of the surrounding area will be maintained.

- (NOTES:
- A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.
 - B. IT SHOULD BE NOTED THAT THE PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO

THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THE REVISED PROFFERS.)

PROFFERED CONDITIONS

1. Temporary model homes (sales offices) shall be permitted in a maximum of four (4) modular office units provided such units shall be utilized for a maximum of twenty-eight (28) months from the date of approval of this request. At the end of the twenty-eight (28) months, the modular office units shall be removed. (P)
2. The model homes (sales offices) shall only be used to market the development (Fox Creek Subdivision) in which they are located and shall not be used for the sale of lots or houses outside of the development in which they are located. (P)
3. The model homes (sales offices) shall not be the primary real estate office for the companies marketing the development. (P)
4. The model homes (sales offices) shall be incidental to construction activity taking place within the development (Fox Creek Subdivision). (P)
5. With the exception of temporary modular sales offices, the public water and wastewater systems shall be used. (U)

(Note: This Proffered Condition supercedes Proffered Condition 2 of Case 04SN0116 for the request property only.)

GENERAL INFORMATION

Location:

South line of Woolridge Road, west of Fox Club Road. Tax ID 712-676-Part of 4582 (Sheet 15).

Existing Zoning:

R-12 with Conditional Use

Size:

2.6 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-15 and A; Single family residential or vacant
South, East and West - R-12; Single family residential or vacant

UTILITIES

Public Water System:

Use of the public water system is required as a condition of zoning (Case 04SN0116, Proffered Condition 2) and will be used to serve the permanent dwellings to be used as model homes.

Public Wastewater System:

Use of the public wastewater system is required as a condition for zoning (Case 04SN0116, Proffered Condition 2) and will be used to serve the permanent dwellings to be used as model homes.

Private Water System:

To provide temporary sales office space, temporary modular office units are proposed which will be served by portable water services until the sales operations can be relocated in completed permanent dwellings (Proffered Condition 5). The Health Department must approve the proposed portable water systems.

Private Wastewater System:

To provide temporary sales office space, temporary modular office units are proposed which will be served by portable wastewater disposal systems until the sales operations can be relocated in completed permanent dwellings (Proffered Condition 5). The Health Department must approve the proposed portable wastewater disposal systems.

ENVIRONMENTAL AND PUBLIC FACILITIES

The model homes (sales offices) will have a minimal impact on these facilities.

LAND USE

General Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less.

Area Development Trends:

The request property is part of a proposed development to be known as Fox Creek Subdivision which will be developed for single family residential use yielding a maximum density of 2.0 dwelling units per acre. Properties to the north are zoned Residential (R-15) and are occupied by single family dwellings or are vacant. Properties to the south and west are zoned Residential (R-12) and are part of the proposed Fox Creek Subdivision. Properties to the east are zoned Residential (R-12) and are part of the Fox Croft Subdivision. It is anticipated that residential use will continue in the area in accordance with recommendations of the Plan.

Zoning History:

On November 25, 2003, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved rezoning of the request site and surrounding property from Agricultural (A) to Residential (R-12) with Conditional Use to permit recreational use.

Current Request:

In residential districts, model homes (sales offices) are permitted provided that, in addition to its permanent use as a dwelling, such homes may be used as a temporary real estate office. In this case, the temporary sales offices are proposed to be located first within four (4) modular office units and then within permanent dwellings within the development as permitted by the Ordinance. Since the modular office units are not dwellings, sales would not be permitted. This request seeks to permit the temporary sales within these structures. Proffered Condition 1 establishes the use of the modular office units as temporary.

The Zoning Ordinance further permits model homes (sales offices) in residential districts provided that the offices only market property within the development where they are located; the offices are incidental to construction activity taking place within the development; the offices are not the primary real estate office for the company marketing the development; and the offices are not used as construction offices or for the storage of construction equipment and/or materials. Proffered Conditions ensure these Ordinance restrictions are met in this case. (Proffered Conditions 2, 3 and 4)

CONCLUSIONS

While staff would not typically support the location of modular office units within a residential area because they fail to be compatible with planned residential dwellings, in this case, approval of the

modular office units would be appropriate since use of the structures is temporary. The Ordinance permits the location of the model homes (sales offices) within permanent dwellings on the property temporarily and therefore would not constitute the permanent location of sales offices in a residential area. The proffered conditions are similar to Ordinance standards for model homes and further ensure the residential character of the surrounding area will be maintained.

Given the foregoing, approval of this request is recommended.

